

REMARKS

Claims 1-15, 17-22, 24 and 25 are pending. Claim 23 has been cancelled without prejudice or disclaimer.

I. 35 USC § 112

Initially, Applicant thanks the Examiner for withdrawing the rejections under 35 USC § 112, second paragraph, presented in a previous Office Action.

Claim 23 stands rejected under 35 USC § 112, second paragraph, for failing to particularly point out and distinctly claim that which is considered the invention. However, as claim 23 has been cancelled, it is respectfully presented that this rejection is now moot.

II. WO '954

Applicants respectfully present that WO 97/39954 is not a proper reference against the present claims, under 35 USC § 102(a) or (b).

A. § 102(a)

WO '954 does not qualify as a reference against this application under 35 USC § 102(a). Section 102(a) prior art is limited to "by others". As WO '954 shares an identical inventorship with the present invention, WO '954 cannot be "by another".

B. § 102(b)

WO '954 does not qualify as a reference against the claims of this application under 35 USC § 102(b). Under this statute, a document is only prior art against claims of an application if it had been published, on sale, or in public use more than one year prior to filing of the application.

The present application was filed under 35 USC § 371, claiming priority from PCT Application No. PCT/SE98/0199, which was filed on November 4, 1998. The PCT application claimed priority from SE 9704153-7, having been filed on November 13, 1997. A copy of SE '153 is provided as an attachment.

In contrast, WO '954 became available as of its publication date, i.e., October 30, 1997. Thus, because each of the pending claims are supported by SE '153, having a filing date of November 13, 1997, WO '954 was not published more than one year before SE '153 was filed and therefore is not a reference under 35 USC § 102(b).

III. 35 USC § 103

A. Claims 1-15 and 17-25

Claims 1-15 and 17-25 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over WO 97/39954 in view of Rehrig (U.S. Patent No. 3,565,278), Umiker (U.S. Patent No. 5,395,010) and WO 97/16353.

However, as discussed above, WO '954 is not a proper reference against these claims under any section of 35 USC § 102 and therefor cannot be used to support a rejection under 35 USC § 103(a). Thus, withdrawal of this rejection is respectfully requested.

B. Claims 22-25

Claims 22-25 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Owsen (U.S. Patent No. 2,880,902), the alleged Admission of page 1 and Biglin et al. (U.S. Patent No. 3,634,182).

However, as claims 22, 24 and 25 (claim 23 having been cancelled) depend from claim 1 - a claim not alleged to be obvious in view of these references, reconsideration of this rejection of these claims is respectfully requested.

IV. Conclusion

In view of the above, it is respectfully submitted that all objections and rejections are overcome. Thus, entry of the above amendments and passage of this application to allowance are respectfully requested.

If the examiner is of the opinion that a brief telephonic or personal interview would facilitate any additional issues leading to the allowance of the application, he is kindly invited to contact the undersigned at (202) 785-0100.

Respectfully submitted,



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ATTACHMENT - Certified Copy of SE 9704153-7